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**MAILED**

**AUG 12 2003**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 3600**

In re Application of

M. Mori et al

Serial No. 09/506,808

Filed February 18, 2000

For: AUTOMATIC AUCTION METHOD :

DECISION ON PETITION  
FILED UNDER 37 CFR 1.181

This is a decision on the Petition under 37 CFR 1.181 filed May 8, 2003,  
which requests withdrawal of the holding of abandonment.

The petition is GRANTED as indicated below.

A review of the file history reveals that the Office issued a final Office  
action rejection on May 21, 2001. Applicant subsequently filed a Notice of  
Appeal with a two month extension of time on October 22, 2001. Applicant  
then filed a timely amendment in response to the final Office action on  
December 26, 2001.

A Notice of Abandonment was mailed on March 24, 2003 stating that the  
reply received on December 26, 2001 was not timely. This is incorrect.  
Both December 24, 2001 and December 25, 2001 were Federal  
Government holidays making December 26, 2001 the next succeeding  
day that was not a Saturday, Sunday or Federal holiday. Thus, the reply  
date of December 26, 2001 was timely.

A further review of the file history shows that a terminal disclaimer was  
filed on August 21, 2002 and an advisory action was mailed by the Office  
on February 24, 2003. The terminal disclaimer has not been entered into  
the file history, and the advisory action did not address the timely filed  
amendment of December 26, 2001.

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The application is being returned to the examiner for consideration of the amendment filed on December 26, 2001 and for consideration of the terminal disclaimer filed on August 21, 2003.

Inquiries related to this decision may be directed to Supervisory Patent Examiner Wynn Coggins at (703) 308-1344.



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WC: 07/25/03